

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Harry Mitchell,

Petitioner,

v.

Case No. 1:16cv1118

Warden, Chillicothe
Correctional Institution,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on February 6, 2018 (Doc. 10).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R have been filed.

Accordingly, it is **ORDERED** that the R&R (Doc. 10) of the Magistrate Judge is hereby **ADOPTED**. Respondent’s Motion to Dismiss (Doc. 7) is **GRANTED** and the Petition (Doc. 1) is **DISMISSED** with prejudice consistent with the recommendation by the Magistrate Judge.

Any request for certificate of appealability or request to certify an appeal would not be taken in good faith and would be denied.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett
United States District Judge